

REMARKS

The Office Action dated September 11, 2003 presents the examination of claims 1, 4, 6, 8, 10, 12, 14, 16, 18, 26, and 34. Claims 20-21 and 28-32 are withdrawn from consideration. Claims 4, 6, 8, 10, 12, 14, 16, 26, 28, 29, 30, and 32 are canceled herein. Claims 1 and 21 are amended herein. Support for subject matter added to claim 1 is found in canceled claim 16, while claim 21 is amended to correct typographical errors. Upon entry of this Reply, claims 1, 18, 20, 21, 31, and 34 will be pending. No new matter is inserted into the application.

Rejection of Claim 1

The Examiner rejects claim 1 under 35 U.S.C. § 101, for an alleged lack of utility, and under 35 U.S.C. § 112, first paragraph, for an alleged lack of enablement. Applicants respectfully traverse. Reconsideration of the claim and withdrawal of the instant rejection are respectfully requested.

The Examiner asserts that claim 1 cannot be allowed because "it recites too many uses." The Examiner asserts that the skilled artisan would not believe that the compound(s) recited in claim 1 could treat all of the diseases recited in the claim. Further, the

Examiner states that claim 1 must be amended to recite "one reasonable believable utility."

Claim 1 is amended to recite a method for inhibiting T cell proliferation. Support for this amendment is found in the specification, particularly in Example 1 (pages 22-23). Furthermore, the chemical scope of claim 1 encompasses the three compounds described and tested in Example 1 and their close analogs.

Applicants respectfully submit that claim 1 fully complies with the requirements of 35 U.S.C. §§ 101 and 112, first paragraph. Withdrawal of the instant rejection is therefore respectfully requested.

Rejection under 35 U.S.C. § 103

The Examiner rejects claims 1, 4, 6, 8, 10, 12, 14, 16, 18, 26, and 34 under 35 U.S.C. § 103 for allegedly being unpatentable over Brugnara '103 (U.S. Patent 6,028,103). Claims 4, 6, 8, 10, 12, 14, 16, and 26 are canceled, thus rendering rejection thereof moot. Applicants respectfully traverse the rejection of pending claims 1, 18, and 34. Reconsideration of the claims and withdrawal of the instant rejection are respectfully requested.

Brugnara '103 teaches compounds useful for treating arthritis, arteriosclerotic conditions, and sclerodermia. Claim 1, as

amended, is directed to a method for inhibiting T cell proliferation. This method is neither taught nor suggested by Brugnara '103. Further, the compounds of Brugnara '103 are taught to be effective by a different mechanism than the inventive compounds.

For these reasons, Brugnara '103 fails to render the present invention obvious. Withdrawal of the instant rejection is therefore respectfully requested.

Conclusion

Applicants respectfully submit that the above remarks and/or amendments properly address and overcome all rejections of record. The instant claims recite patentable subject matter such that the present application is in condition for allowance. The Examiner is respectfully requested to issue a Notice of Allowance indicating that claims 1, 18, 20, 21, 31, and 34 are allowed.

If the Examiner has any questions or comments, please contact Kristi L. Rupert, Ph.D. (Reg. No. 45,702) at the telephone number of the undersigned below.

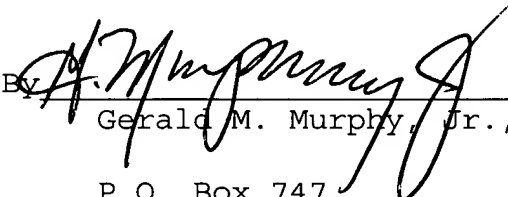
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees

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required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17;
particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Gerald M. Murphy, Jr., #28,977

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000


GMM/KLR